



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,140	03/11/2004	Domenic V. Apprille JR.	00216-657001	5560

27752 7590 04/19/2007  
THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION - WEST BLDG.  
WINTON HILL BUSINESS CENTER - BOX 412  
6250 CENTER HILL AVENUE  
CINCINNATI, OH 45224

EXAMINER
----------

MICHALSKI, SEAN M

ART UNIT	PAPER NUMBER
----------	--------------

3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
2 MONTHS	04/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/798,140  
Filing Date: March 11, 2004  
Appellant(s): APPRILLE, DOMENIC V.

**MAILED**  
**APR 19 2007**  
**GROUP 3700**

\_\_\_\_\_  
Deborah A. Vaundo  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 01/09/2007 appealing from the Office  
action mailed 10/18/2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

Examiner relies upon the following references, all United States Patents:

Petrillo (US 3,797,657)

Kohring (US 5,518,114)

Petricca (US 6,041,926)

Rozenkranc (US 6,276,061)

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 4, 5/2, 6, 7/5/2, 8-11, 18, 28 and are rejected under 35 U.S.C. 102(b) as being anticipated by Petrillo (USPN 3,797,657).

Regarding claims 1 and 28, Petrillo discloses a dispenser for razor blade cartridges (figure 1), each cartridge including a blade unit (20, 100; figure 4) and a cartridge connecting portion (102 figure 1) for connecting the cartridge to a handle (figure 6), the dispenser comprising a housing structure including a base (12 figure 5) and angled cartridge dividers (200 figure 7 is an angled cartridge divider) that define sections for receiving respective cartridges (seen in figure 7) and retaining the cartridges in predetermined positions ( figure 1) that permit connection of a handle connecting structure on the handle to one of the cartridges as the handle is moved toward the cartridge( see figure 6); each section comprising a latch shaped and positioned to interact with a corresponding resilient feature on the blade unit of the cartridge (26 is a latch, seen in engagement with corresponding resilient feature 116 figure 6), the latch being sufficiently rigid to resist movement during removal of a

Art Unit: 3724

cartridge from the dispenser (column 3 lines 43-50). The blade unit includes an elongate housing (20 figure 4), and having a resilient latching portion (116 figure 6).

Regarding claim 2, Petrillo further discloses that each section comprises a pair of latches (24, 26 figure 7).

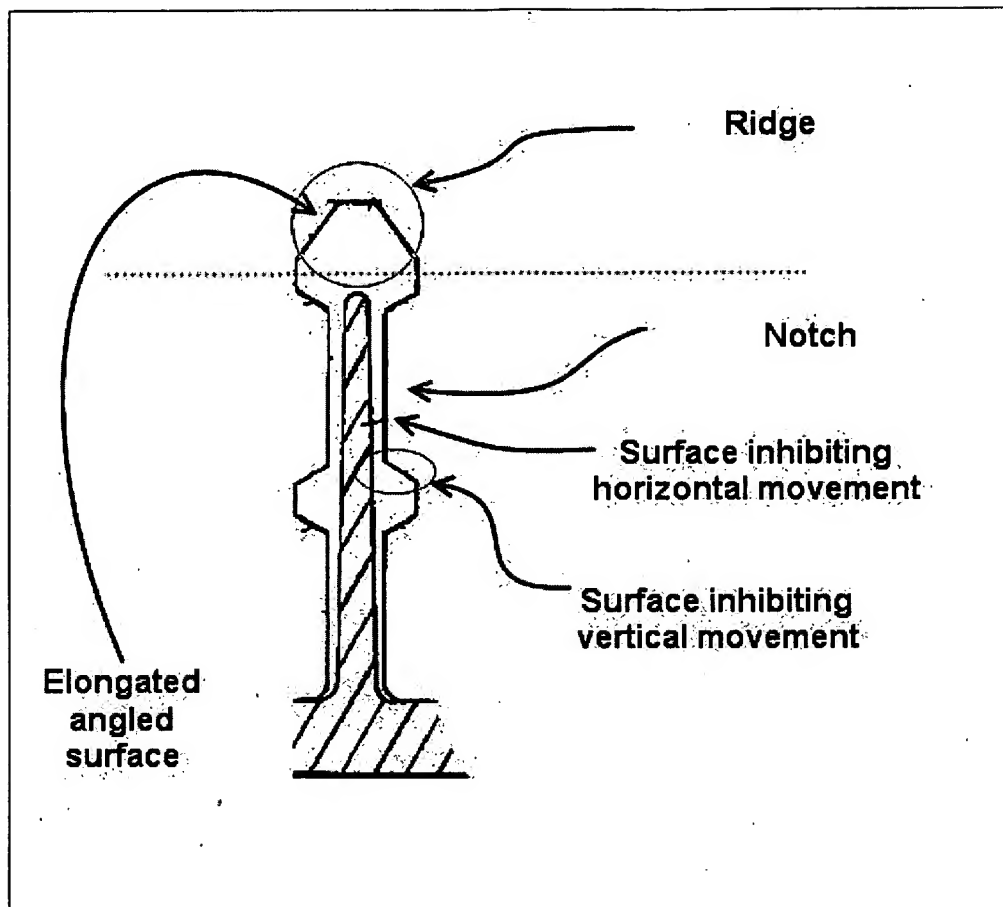
Regarding claim 4, Petrillo further discloses that the latch comprises a latch protrusion (30, 35, figure 6) shaped to interact with a corresponding protrusion (116 figure 6) on the blade unit (20 figure 6 is the blade unit).

Regarding claim 5/2, Petrillo further discloses that each latch comprises a latch protrusion (24, 26) shaped to interact with a corresponding protrusion on the blade unit (the interaction between 24 and 116 is seen in figure 7).

Regarding claim 6, Petrillo further discloses the blade unit is retained by an interference fit (figure 7, 20 is snugly retained by latches 26, 24; column 3 lines 1-10) with the protrusion.

Regarding claim 7/5/2, Petrillo further discloses the blade unit is retained by an interference fit (figure 7, 20 is snugly retained by latches 26, 24; column 3 lines 1-10) with the protrusion.

Regarding claim 8, Petrillo further discloses that the latch comprises an elongate ridge (see below)



Regarding claim 9, Petrillo further discloses a notch (see figure above).

Regarding claim 10, Petrillo further discloses surfaces to inhibit movement (see figure above).

Regarding claim 11, Petrillo further discloses an elongated angled surface configured to facilitate insertion of a blade unit into the respective section (column 3 line 4).

Regarding claims 18 and 48, Petrillo further discloses that the cartridge dividers further include blade unit dividers that extend perpendicularly from the base (200 figure 7) and define blade unit regions in which the blade units are received (see figure 7, the dividers demark the limits of a region within which the blade units 20 are received).

Claims 1-5, 8, 9, 21, 28 and 31-35, 38-48, 51 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Kohring et al. (USPN 5,518,114).

Regarding claim 1, 2, 28 and 31-33, Kohring discloses a dispenser for razor blade cartridges (C figure 11), each cartridge including a blade unit (C figure 11) and a cartridge connecting portion (the pegs on C figure 11) for connecting the cartridge to a handle (H figure 12), the dispenser comprising a housing structure including a base (17 figure 5) and angled cartridge dividers (18, 19, 20, 21 figure 2 are angled cartridge dividers) that define sections for receiving respective cartridges (seen in figure 5) and retaining the cartridges in predetermined positions ( figure 10) that permit connection of a handle connecting structure on the handle to one of the cartridges as the handle is moved toward the cartridge( see figure 12); each section comprising a pair of latches (38,39 figure 10) shaped and positioned to interact with a corresponding resilient feature on the blade unit of the cartridge (38, 39 are latches, seen in engagement with corresponding resilient feature : the extremes of the cartridge C), the latch being sufficiently rigid to resist movement during removal of a cartridge from the dispenser (column 3; lines 55-56, 62-65). The blade unit includes an elongate housing (seen in figure 11), and having a resilient latching portion (the entire housing is a resilient latching portion, 32 and 33 are specifically resilient latching portions as are the far ends of the housing).

Regarding claim 3, Kohring further discloses that the latches are positioned on inner surfaces of opposed side walls of the housing (seen in figure 1).

Regarding claims 4 and 34 Kohring further discloses that the latch comprises a latch protrusion (38, 39; figure 2) shaped to interact with a corresponding protrusion (the extreme ends of cartridge C) on the blade unit (C figure 11).

Regarding claim 5/3 and 35 Kohring further discloses that the latch comprises a latch protrusion (38, 39; figure 2) shaped to interact with a corresponding protrusion (the extreme ends of cartridge C) on the blade unit (C figure 11).

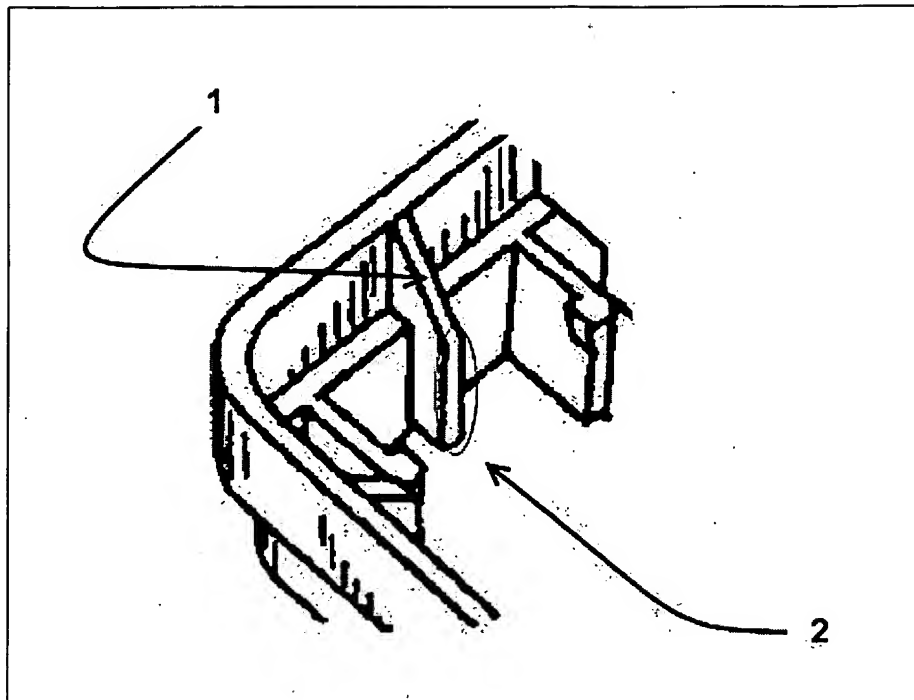
Regarding claim 8, 13, 38 and 43 Kohring further discloses that the latches comprise elongate ridges (38, 39; figure 11)

Regarding claims 9, 14, 39 and 44, Kohring further discloses that the latch protrusion has a notch. In figure 11 it can be seen that the ridge is not rectangular from base to tip, that there is in fact a triangular notch from half way up the protrusion to the full height of the protrusion.

Regarding claims 12, 17, 42 and 47, Kohring further discloses that the ridge extends vertically and is attached to an inner side wall of the dispenser (see figure 12).

Regarding claims 10/4, 10/8, 15/5, 15/13, 40, 45 Kohring further discloses that the latches have two surfaces, seen below, labeled 1 and 2 for convenience.





Surface 1 is positioned to inhibit vertical movement of the protrusion on the blade unit, since it was designed to cam with that surface and prevent it from being located in the area below surface 1 (column 3 lines 35-40). Surface 2 is positioned to inhibit horizontal movement of the respective protrusion on the blade unit. When the blade unit C is in the housing, its movement towards the latch is inhibited by the presence of the latch. The latch prevents the protrusion from moving horizontally out of the housing.

Regarding claim 16, 41, 46 Kohring further discloses that each ridge includes an elongated angled surface configured to facilitate insertion of a blade unit into the respective section. Surface 1 (in the figure above) was designed to cam with the blade unit (column 3 lines 35-40).

Regarding claim 18, Kohring further discloses that the cartridge dividers further include blade unit dividers that extend perpendicularly from the base (18, 19, 20, 21

figure 1)) and define blade unit regions in which the blade units are received (the dividers demark the limits of a region within which the blade units are received; 24, 25, 26, 27, 28; figure 1).

Regarding claims 21 and 51, Kohring further discloses drainage holes associated with each section of the base (seen in figure 1).

Regarding claims 22 and 52, Kohring further discloses raised members (30 figure 1) on which the end structures of the cartridge are supported (figure 11) so as to avoid contact of the blades with the dispenser (figure 11).

Claims 6 and 7/5/3, 29, 30, 36, 37, 59, 60 and 66 rejected under 35 U.S.C. 103(a) as being unpatentable over Kohring.

Regarding claims 6, 36 and, 66 Kohring does not disclose the blade unit is retained by an interference fit with the protrusion.

Kohring discloses an interference fit between another set of latches (34 figure 10).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Kohring by having the lateral latches engage the cartridge with an interference fit, since the use of interference fits for cartridge retention is disclosed by Kohring. The motivation to combine is that having an additional interference fit retention mechanism will better retain the cartridge (it will be more secure).

Regarding claim 7/5/3 and 37, Kohring does not disclose the blade unit is retained by an interference fit with the protrusion.

Kohring discloses an interference fit between another set of latches (34 figure 10).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Kohring by having the lateral latches engage the cartridge with an interference fit, since the use of interference fits for cartridge retention is disclosed by Kohring. The motivation to combine is that having an additional interference fit retention mechanism will better retain the cartridge (it will be more secure).

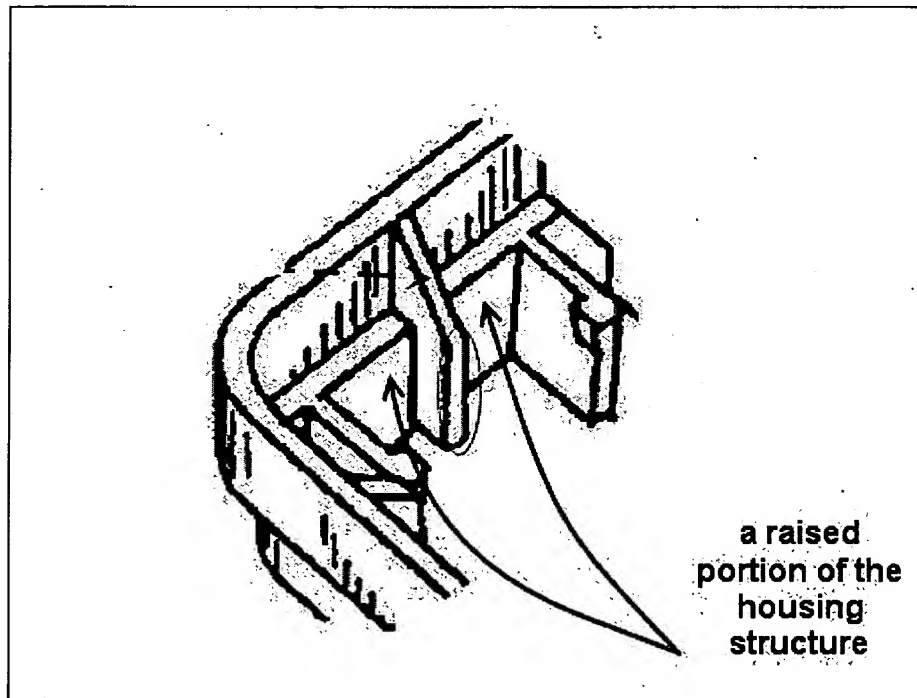
Regarding claims 29 and 30, Kohring does not disclose that the latching portion comprises an elastomer, but discloses the use of Plastic, which is in many ways similar to an elastomer.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Kohring by using an elastomer latch, since it has been held to be within the general skill of a worker in the art to select a known component or material on the basis of suitability for the intended use as a matter of obvious mechanical design expediency. *In re Leshin*, 125 USPQ 416. Also see MPEP 2144.07. *Sinclair & Carroll Co. v. Interchemical Corp.* states "Reading a list and selecting a known compound to meet known requirements is no more ingenious than selecting the last piece to put in the last opening in a jig-saw puzzle." 325 U.S. at 335, 65 USPQ at 301.). Since the properties of many materials (including elastomers) are

Art Unit: 3724

well known, the designation of a specific material does nothing to enhance the patentability of a design.

If the latch portion were modified as above, there would still be a raised portion of the housing structure (seen below) which would underlie the elastomer latch.



Regarding claims 59 and 60, Kohring does not disclose that the width of the dispenser is 1-2% smaller than the width of the blade unit, nor does Kohring disclose that the width of the dispenser is .2-.8 mm less than the width of the blade unit.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the difference in dimension within the stated ranges, since it has been held that discovering an optimum result of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Finding an appropriate tolerance for parts having an interference fit requires no special

Art Unit: 3724

skill and can be accomplished by a table, with no inventive input. The selection of component dimensions can be accomplished by one of below average skill in the art.

Claims 1, 18, 19, 20, 23-28, 48-50, 54, and 56-58, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohring in view of Petricca (USPN 6,041,926).

Regarding claims 18, 19, 20, 23, and 48-50, 53 Kohring further teaches that the cartridge dividers include blade unit dividers that extend perpendicularly from the base (18, 19, 20, 21 figure 1)) and define blade unit regions in which the blade units are received (the dividers demark the limits of a region within which the blade units are received; 24, 25, 26, 27, 28; figure 1).

Kohring does not teach that the cartridge dividers include angled dividers that extend from the ends of respective blade unit dividers at acute angles. Kohring does not disclose that the angled region of one section partially overlies a blade unit region of an adjacent section. Kohring also does not teach a stabilizing feature disposed on any cartridge divider, configured to engage the cartridge connecting portion and restrict movement of the cartridge connecting portion within an upper opening of the corresponding section.

Petricca teaches a razor cartridge dispenser having blade unit dividers (36 figure 10) perpendicular to the base (figure 4), and acute angled dividers (44, 22, figure 6) that extend from the ends of the respective blade unit dividers (as seen in figure 6 and 10). The angled dividers define angled regions through which the blade units pass in

Art Unit: 3724

delivery to and removal from the blade unit regions and in which a cartridge connecting structure is received (figure 10). Petricca further teaches that the angled region of one section partially overlies a blade unit region of an adjacent section (figure 10). Petricca further teaches a stabilizing feature (54 figures 6 and 10) disposed on any cartridge divider (seen in figure 6), configured to engage the cartridge connecting portion (figure 10) and restrict movement of the cartridge connecting portion within an upper opening of the corresponding section (figure 10).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Kohring by having the dispenser have angled dividers exactly as taught by Petricca. The motivation to combine is that it is desirable to have a divider as taught by Petricca to retain and enclose the cartridge connecting portion specifically. Restricting the movement of all cartridge components is important to provide a secure and reliable retention of the cartridge. Allowing a cartridge connecting portion to flop with movement of the base would allow the entire cartridge to gain momentum, making its inadvertent release more likely.

Regarding claims 24, 25, 54, and 56, Kohring does not disclose angled dividers having a feature disposed and radiused so as to prevent contact between a stabilizing feature and a rear edge of the cartridge.

The angled dividers as taught by Petricca have features (47 figure 3; 46, 24 figure 1) which are radiused and disposed such that they are capable of preventing contact between a rear edge (94 figure 10; alternately the edge closest to pivot 79 figure 10) and the stabilizing feature (22 figures 1 and 10).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Kohring by having the dispenser have angled dividers exactly as taught by Petricca. The motivation to combine is that it is desirable to have a divider as taught by Petricca to retain and enclose the cartridge connecting portion specifically. Restricting the movement of all cartridge components is important to provide a secure and reliable retention of the cartridge. Allowing a cartridge connecting portion to flop with movement of the base would allow the entire cartridge to gain momentum, making its inadvertent release more likely

Regarding claims 26, 27, 57 and 58, Kohring does not disclose that said raised members have concave upper edges. Kohring also does not disclose that the raised members are adjacent to a lower portion of a convex surface of an angled cartridge divider.

Petricca discloses having raised members (38 figures 1 and 10) which are concave (seen in figure 1). They are described as being for keeping the blades off the bottom of the dispenser, as are the raised members disclosed by Kohring. Petricca further discloses that the raised members are adjacent to a lower portion of a convex surface of an angled cartridge divider (see figure 10, 38 is adjacent to 90, which is an angled cartridge divider; 38 and 46 are adjacent in figure 1)

In the same field of invention it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the raised members of Kohring with the raised members of Petricca, since they were art recognized equivalent structures and perform the same function. The motivation to combine is that the raised

members of Petricca allow for easier removal of the cartridge in engagement with a handle, since they cam with and guide the blade cartridge out of the blade receiving portion and along the angled blade divider of an adjacent section.

Claim 55 and 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohring in view of Petricca further in view of Rozenkranc (USPN 6,276,061).

Kohring in view of Petricca does not teach the use of a trimming blade mounted on the rear edge of the cartridge but teaches the use of a standard cartridge (blades on one side only). Nothing about the dispenser depends on or interacts with the trimming blade in any way. There is no criticality that the cartridge have a trimming blade.

Rozenkranc teaches a cartridge having a trimming blade disposed on the rear of the cartridge (4 figure 1)

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Kohring in view of Petricca by having the cartridge have a trimming blade disposed on the rear of the cartridge as taught by Rozenkranc. The motivation to combine is that adding a trimming blade gives an additional function to the razor, which may be marketable or better for trimming hair in areas where precision is desired (column 2 lines 1-2).



Regarding claim 67, Kohring in view of Petricca further in view of Rozenkranc (USPN 6,276,061) as set forth above regarding claim 55, above teaches every limitation of claim 67.

Kohring teaches in combination, a cartridge dispenser (figure 12) comprising a housing structure including a base (17 figure 5) dividers extending upwardly from the base which define sections for receiving cartridges (C figure 12) and retaining said cartridges in a predetermined position. Kohring further teaches a plurality of latches (38,39 figure 10), each section comprising a latch that releasably holds a respective cartridge in a latched position within the section (see figure 12). Kohring further teaches a replaceable razor cartridge comprising a blade unit and a cartridge connecting feature for connecting the cartridge to a handle by movement of the handle toward the cartridge (as seen in figure 12) the blade unit including an elongated housing (figure 12) having a resilient latching portion for engagement by the latch on the cartridge dispenser the resilient latching portion may be any portion of the cartridge which is engaged by the latches, since the cartridge is composed of plastic and metal, both of which are resilient and act resiliently in response to engagement by the latches of the cartridge dispenser.

Kohring does not teach a stabilizing feature disposed on any cartridge divider, configured to engage the cartridge connecting portion and restrict movement of the cartridge connecting portion within an upper opening of the corresponding section.

Petricca teaches a razor cartridge dispenser having blade unit dividers (36 figure 10) perpendicular to the base (figure 4), and acute angled dividers (44, 22, figure 6) that extend from the ends of the respective blade unit dividers (as seen in figure 6 and 10).

Art Unit: 3724

The angled dividers define angled regions through which the blade units pass in delivery to and removal from the blade unit regions and in which a cartridge connecting structure is received (figure 10). Petricca further teaches that the angled region of one section partially overlies a blade unit region of an adjacent section (figure 10). Petricca further teaches a stabilizing feature (54 figures 6 and 10) disposed on any cartridge divider (seen in figure 6), configured to engage the cartridge connecting portion (figure 10) and restrict movement of the cartridge connecting portion within an upper opening of the corresponding section (figure 10).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Kohring by having a cartridge divider, cartridge and stabilizing feature exactly as taught by Petricca. The motivation to add a stabilizing feature is that stabilizing a cartridge connector makes the inadvertent release of a cartridge less likely, which is beneficial, and it allows a cartridge with a different kind of connecting portion to be used, as in Petricca.

Neither Kohring, nor Kohring in view of Petricca teaches a trimming blade mounted along the rear edge of the cartridge.

Rozenkranc teaches a trimming blade on the rear of the cartridge (see figures), opposed to the other blades.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the cartridge of Kohring and use a cartridge with a trimming blade as taught by Rozenkranc, Or alternatively, to provide the cartridge of Kohring in view of Petricca with a trimming blade assembly on the rear edge of the

cartridge, since it would provide an additional feature to those provided in a traditional razor cartridge, that is, it is a multifunctional razor cartridge and would be more marketable than a single function razor cartridge.

In the above combination of Kohring, Petricca and Rozenkranc all limitations have been addressed except for the limitation that the cartridge divider be configured to prevent damage to the trimming blade (disposed on the rear edge of the cartridge).

The Cartridge dividers of Petricca have already been combined with the holder of Kohring. In figure 3 of Petricca, 38 is seen to underlie 47, as opposed to the open space proximal the far edges of the structure. Element 38 is designed to underlie and support element 40- the clip portion of the cartridge, which indicates the relative lateral positioning of the clips, and shows that the clips when removed would cam with 47. The clip portion of the cartridge is farther out from the center of the cartridge than the blade edges are (Examiner has personally verified by visual inspection this to be true of at least the commercially available Sensor Excel and Mach 3 razor blade cartridges, both of which have blades and a clip). The clip is always projecting further out than the blade edge. In a razor constructed as the cartridge in Rozenkranc (which is a Mach 3 style cartridge) there would be a trimming blade and clips, the clips used to retain the blades in the cartridge. This is clear when looking at the totality of the Rozenkranc and Petricca references. Since the clips are further out than the edge of the blades, the clips (40) will cam with the feature (47) and prevent 22 (the latching feature of Petricca) from damaging the trimming blade, which is disposed on the rear edge of the cartridge (as seen in Rozenkranc).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Petricca (USPN 6,499,595); Kiraly et al. (USPN 4,173,285); Wain (USPN 5,636,442); Peyser (USPGPUB 2002/0184770); Motta (USPN D256,998); Bowman (USPN D324,299).

#### **(10) Response to Argument**

The sole argument that appellant has presented is the question of whether the latches are "sufficiently rigid to resist movement during removal of a cartridge from the dispenser". This response will address that issue alone.

Examiner notes that claims 1 and 28 have not been separately argued, nor have they been given separate subheadings under 37 CFR 41.37 (vii) which states :

Each ground of rejection must be treated under a separate heading. For each ground of rejection applying to two or more claims, the claims may be argued separately or as a group. When multiple claims subject to the same ground of rejection are argued as a group by appellant, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone. Notwithstanding any other provision of this paragraph, the failure of appellant to separately argue claims which appellant has grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately.

Since claim 28 is not argued separately from claim 1, and claim 1 is the broadest claim, Examiner will restrict his arguments to claim 1, since all other claims stand or fall by claim 1.

It is noted that claim 66 is not argued separately from claim 1, since appellant, in the Brief filed 1/9/2007 argued with respect to claim 66, "as mentioned above, Kohring does not teach or suggest all of the claim limitations of independent claim 66. Kohring

fails to teach a latch that is sufficiently rigid to resist movement during removal of a cartridge from the dispenser". Appellant does not present any argument with respect to claim 66 that is not shown by an analysis of claim 1. The element allegedly lacking from Kohring is argued only with respect to claim 1.

In view of the above, the arguments will be addressed regarding claim 1.

The first recitation is "A dispenser", clearly seen in Kohring and Petrillo, as set forth in the rejections of record.

The statement of intended use "for razor blade cartridges, each cartridge including a base unit and a cartridge connecting portion for connecting the cartridge to a handle" has been given patentable weight insofar as the recited dispenser must be *capable of use with such a theoretical, and not-positively recited cartridge*. This is clear on the face of both references, Kohring and Petrillo, that they are *capable* of being used in conjunction with such a cartridge. This claim interpretation is mandated in MPEP 2106 II C which states "Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim: (A) statements of intended use or field of use."

Similarly, claim 1 sets forth intended uses, or functional limitations that are given weight only to the extent that they infer structure- as follows: "for receiving respective cartridges and retaining the cartridges in predetermined positions that permit connection

of a handle connecting structure on the handle to one of the cartridges as the handle is moved toward the cartridge" only limits the recited structure "a housing structure including a base" in that the housing structure including a base must be *capable of performing the actions above* and is not dependent upon any structure of the cartridge. Similarly the latch must be capable of "interacting" with a corresponding resilient feature on the blade unit of the cartridge, which Kohring and Petrillo certainly are. These characterizations are not traversed in appellants' arguments submitted (9/15/2006), and they have not been argued in the Appeal Brief (01/09/2007).

Applicant alleges that the latches of Petrillo "...do not resist movement but instead are designed to move during removal of a cartridge..." (Page 4, lines 21 and 22 of Appeal Brief filed 01/09/2007). The two actions are not related as applicant alleges. Being "designed to move" does not preclude *resistance to movement*. When a cartridge is retained in an interference fit (no clearance between the cartridge and its dispenser) the assembly has a certain level of stress (internal force) present *in both the cartridge and the dispenser*. Even if the latches are "designed to move" they are also designed to resist movement. That is the purpose of a cartridge dispenser- to resist movement until a *sufficient force* is applied to *overcome the resistance*. Petrillo possesses latches which during cartridge removal, are sufficiently rigid to *resist movement*. Kohring also possesses latches (38, 39, or 35, 36) which during cartridge removal, are sufficiently rigid to *resist movement*.

During use of appellant's dispenser, a cartridge is 'stuck' in a dispenser (placed in an interference fit), with resilient latching portions of the cartridge engaging latches

which are on the dispenser. Contrary to appellants contention, *both the latches and the resilient portions deform*. Even though the resilient portions of appellants cartridge deform *more* than the latching portions, *both deform* and are deformed in response to each other, *during normal intended use*. The same is true of Kohring and Petrillo. The housing of the cartridge, being plastic, is elastically deformable (it deforms to some minor deflection, and upon release from the stressed state, returns to its original unbiased dimensions). Similarly the latches of the dispenser are rigid enough to resist deformation in response to the insertion or removal of a cartridge.

Appellant mischaracterizes Examiners application of Kohring to claim 1, referring to "the latches (flanges 32, 33 with detents 35, 36)" (Brief page 5, line 4) which is not what Examiner stated in the rejections. Please see Non-final action dated 5/17/2006 page 6, and above in the Kohring 102 (b) rejection; where examiner states "(38,39 are latches, seen in engagement with corresponding resilient feature: the extremes of cartridge C)". In Kohring, it is clear that the latches examiner is referring to are attached to the base and wall of the dispenser, so that two axes are fully restrained relative thereto. These latches are comparable in every way to the latches of Appellants dispenser, since they are "sufficiently rigid to resist movement" during removal of a razor cartridge.

Assuming that appellants characterization of the latches as "(flanges 32, 33 with detents 35, 36)" is to be applied, Examiner still holds that the latches are "sufficiently rigid to resist movement" during use.


**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

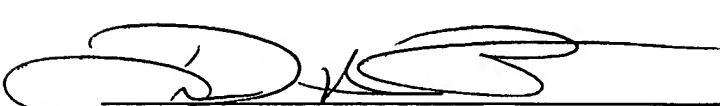
Respectfully submitted,

Sean Michael Michalski

  
KENNETH E. PETERSON  
PRIMARY EXAMINER

Conferees:

  
Supervisory Primary Examiner Boyer Ashley

  
DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

Supervisory Primary Examiner Derris Banks